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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

SAWAGUCHI et al.

Application Number: 09/940,475

Filed: August 29, 2001

**For: APPARATUS, SIGNAL-PROCESSING CIRCUIT AND
DEVICE FOR MAGNETIC RECORDING SYSTEM**

Attorney Docket No. ASAM.0019

**Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Art Unit 2627

**Examiner
Mercedes, Dismery E.**

LETTER

Sir:

The below-identified communications are submitted in the above-captioned application or proceeding:

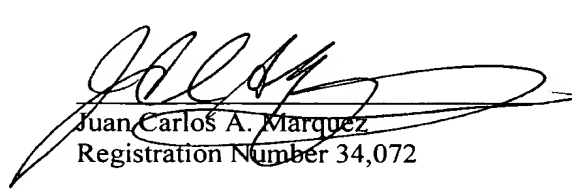
- (X) Request for Withdrawal of Holding of Abandonment
With Petition to Revive Unintentionally Abandoned Application
- (X) Copy of Correct Issue Fee Transmittal for 09/940,475
- (X) Copy of Incorrect Issue Fee Transmittal for 09/940,075
- (X) Copy of stamped USPTO card
- (X) Copy of canceled check for \$1,749.00 for issue fee
- (X) Copy of Notice of Abandonment

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 08-1480**. A duplicate copy of this sheet is attached.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
May 5, 2008


Juan Carlos A. Marquez
Registration Number 34,072



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

SAWAGUCHI et al.

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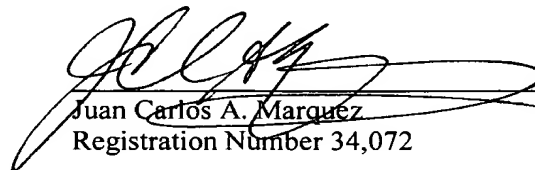
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In re U.S. Patent Application of)	
SAWAGUCHI et al.)	
Application Number: 09/940,475)	Art Unit 2627
Filed: August 29, 2001)	Examiner
For: APPARATUS, SIGNAL-PROCESSING CIRCUIT AND)	Mercedes, Dismery E.
DEVICE FOR MAGNETIC RECORDING SYSTEM)	
Attorney Docket No. ASAM.0019)	

**Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT AND
ALTERNATIVELY PETITION TO REVIVE
UNINTENTIONALLY ABANDONED
APPLICATION PURSUANT TO 37 C.F.R. §1.137(b) and (c)**

Sir:

Applicants have received a Notice of Abandonment of the above-identified application, mailed October 14, 2008. The Notice indicates that the application is abandoned in view of Applicants' failure to timely pay the Issue and Publication Fees.

Applicants prepared and timely filed on September 16, 2008, the Issue Fee Transmittal with a check in the amount of \$1,749.00. However, due to a typographical error in one digit of the serial number, serial number 09/940,075 (already issued U.S. Patent No. 6,569,235) was incorrectly listed, instead of serial number **09/940,475**, the correct serial number of the application for which payment of the issue fee was due. Therefore, due to this inadvertent error, the issue fee transmittal and payment could not be matched to the correct application. All other information was correct, including filing date, first inventor's name, Title of the Invention, due date, Examiner's name and art unit, class-subclass, confirmation number and attorney docket number.

Attached is the Issue Fee Transmittal to pay the issue fees due under 37 C.F.R. §1.17(m), a copy of the receipt card stamped by the Mail Room of the U.S. Patent and Trademark Office to acknowledge the filing of issue fee on September 16, 2008. Also attached is a copy of the canceled check in the amount of \$1,749.00 together with a copy of the Issue Fee Transmittal as filed on September 16, 2008, with the incorrect serial number.

Check No. 993514 for \$1,749.00 was therefore incorrectly posted to U.S. serial number 09/940,075.

Further to a telephone call with SPE Randall Green of the Office of Petitions on October 23, 2008, the submission of a request to withdraw the holding of abandonment is believed to be in order. **In that regard, Applicants most respectfully request that the holding of abandonment be withdrawn in view of the fact that payment of the issue fee was in fact timely made, despite the inadvertent error in the application serial number that was referenced, and that this application be placed back in pending status so that it may proceed to issuance.** Applicants respectfully request early notification that the request has been granted and that this application has been withdrawn from abandonment.

In the alternative, should the above Request for Withdrawal be deemed inappropriate, **Applicants hereby submit this paper as a Petition to Revive an Unintentionally Abandoned Application in connection with the above-captioned application, which had been abandoned for failure to pay the Issue and Publication Fees due on September 16, 2008.** The failure to pay was unintentional.

Under the provisions of §1.137(b), Applicants hereby submit a corrected Issue Fee Transmittal to pay the issue fees due, together with a copy of the canceled check, a copy of the postcard stamped by the USPTO Mailroom, and the incorrect Issue Fee Transmittal containing all the correct information except the one incorrect digit in the serial number.

Applicants, having fulfilled all of the requirements of 37 C.F.R. §1.137(b), hereby respectfully request early notification that this application has been revived.

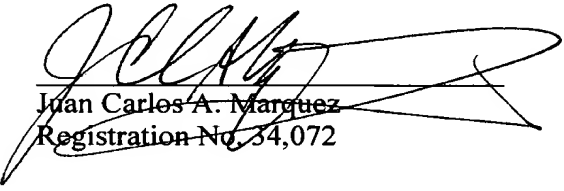
Further, Applicants respectfully request that the required issue fee paid under 37 C.F.R. §1.17(m), which was timely but inadvertently paid under serial number 09/940,075, be transferred to serial number **09/940,475**. This petition is being timely filed within two years of the date on which the application became officially abandoned.

Applicants do not believe any fee is required with the submission of the Request for Withdrawal. However, in the event that the Request for Withdrawal is declined and the Office should deem the submission of the Petition to Revive to be more appropriate in this

case, the Commissioner is hereby authorized to charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344



Juan Carlos A. Marquez
Registration No. 34,072

REED SMITH LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042
Telephone: (703) 641-4200

October 27, 2008



PATENT APPLICATION
(PENDING)

REED SMITH, LLP - 3110 Fairview Park Drive, Suite 1400, Falls Church, VA 22042

Serial No.: 09/940,075 Filed: Aug 29, 2001

Atty Docket No.: ASAM. 0019

Applicant(s): Sawaguchi et al

DELIVER TO: ☒ MAIL ROOM ☐ ART UNIT: ☐

Special Instructions: _____

The PTO stamp hereon acknowledges receipt of:

- | | | |
|--|--|--|
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> Missing Parts Response w/Decl | <input type="checkbox"/> Notice of Appeal |
| <input checked="" type="checkbox"/> Check - \$ <u>1749</u> | <input type="checkbox"/> Petition to Commissioner with fee | <input type="checkbox"/> Substitute Specification |
| <input checked="" type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Priority Document(s) | <input type="checkbox"/> Claim Calculation Sheet |
| <input type="checkbox"/> Assignment w/PTO-1595 | <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Verified English Translation |
| <input type="checkbox"/> CPA Application under Rule 1.53 _____ | <input type="checkbox"/> Information Discl. Stmt./refs. | <input type="checkbox"/> Revocation of Power of Attorney and Appointment of New Attorney |
| <input type="checkbox"/> Extension of Time Petn. _____ month | <input type="checkbox"/> Request For Priority | <input type="checkbox"/> Response to Notice to Correct App |
| <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Letter to Draftsman | <input type="checkbox"/> Submission of Patent Declaration |
| <input type="checkbox"/> _____ Sheets of Drawings -- <input type="checkbox"/> Formal <input type="checkbox"/> Informal | | |
| <input type="checkbox"/> Small Entity Statements <input type="checkbox"/> Inv. <input type="checkbox"/> Sm. Bus. <input type="checkbox"/> Non-Inv. <input type="checkbox"/> Non-profit | | |

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Mon Oct 20 08:38:14 EDT 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,475	08/29/2001	Hideki Sawaguchi	ASAM.0019	4883

EXAMINER	
MERCEDES, DISMERY E	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
10/14/2008	PAPER

7590 10/14/2008
REED SMITH LLP
3110 FAIRVIEW PARK DRIVE, SUITE 1400
FALLS CHURCH, VA 22042

RECEIVED
OCT 16 2008
By _____

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
 - (1) a timely filed amendment which places the application in condition for allowance;
 - (2) a timely filed Notice of Appeal (with appeal fee);
 - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____.
The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been recieved.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Trasmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



Attachment to Notice of Abandonment

For questions concerning the notice contact
Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing; or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

PART B - ISSUE FEE (S) TRANSMITTAL

Complete and mail this form, together with applicable fees, to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate FEE ADDRESS for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

REED SMITH LLP
 SUITE 1400
 3110 FAIRVIEW PARK DRIVE
 FALLS CHURCH, VA 22042



Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate

Certificate of Mailing

I hereby certify that this Issue Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelop addressed to the Box Issue Fee address on the date indicated below.

APPLICATION NO		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,475		08/29/2001	Hideki Sawaguchi	ASAM.0019	4883

TITLE OF INVENTION: **APPARATUS, SIGNAL-PROCESSING CIRCUIT AND DEVICE FOR MAGNETIC RECORDING SYSTEM**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1,440	\$300	\$1,740	9/16/2008

EXAMINER	ART UNIT	CLASS - SUBCLASS
MERCEDES, DISMERY E	2627	360-065000

1. Change of correspondence address or indication of "Fee Address" (37 CFR §1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (have as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed

1. Reed Smith LLP
2. Stanley P. Fisher, Esq.
3. Juan Carlos A. Marquez, Esq.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD. Kanagawa-ken, Japan

Please check the appropriate assignee category (will not be printed on the patent) ☐ individual ☒ Corporation or private group entity ☐ government

4a. The following fees are enclosed:

- ☒ Issue fee
- ☒ Publication Fee
- ☒ Advance Order - # of Copies: 3

4b. Payment of Fee(s): Fee was incorrectly paid on September 16, 2008, for 09/940,075. Applicant respectfully requests a transfer to 09/940,475.

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 08-1480 (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) to the application identified above.

(Authorized Signature)

(Date) **October 27, 2008**

Stanley P. Fisher Reg. No.: 24,344

Juan C.A. Marquez Reg. No. 34,072

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered patent attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

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TRANSMIT THIS FORM WITH FEE(S)

Page 2 of 3

PTOL-85 (Rev.07-01) Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

US_ACTIVE-100667725.1-SPFISHER 10/27/08 3:56 PM

PART B - ISSUE FEE (S) TRANSMITTAL

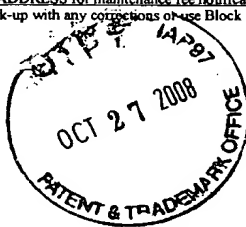
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Washington, D.C. 20231

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MERCEDES, DISMERY E	2627	360-065000

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2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (have as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
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2. Stanley P. Fisher, Esq.
3. Juan Carlos A. Marquez, Esq.
3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD. Kanagawa-ken, JapanPlease check the appropriate assignee category (will not be printed on the patent) ☐ individual ☒ Corporation or private group entity ☐ government

- 4a. The following fees are enclosed:
- ☒ Issue fee
- ☒ Publication Fee
- ☒ Advance Order - # of Copies: 3
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The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) to the application identified above.

(Authorized Signature)

(Date) **October 27, 2008**

Stanley P. Fisher Reg. No.: 24,344

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered patent attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

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TRANSMIT THIS FORM WITH FEE(S)

Page 2 of 3

RT B - ISSUE FEE (S) TRANSMITTAL



Complete and mail this form, together with applicable fees, to:

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Assistant Commissioner for Patents
Washington, D.C. 20231

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,075	08/29/2001	Hideki Sawaguchi	ASAM.0019	4883

TITLE OF INVENTION: APPARATUS, SIGNAL-PROCESSING CIRCUIT AND DEVICE FOR MAGNETIC RECORDING SYSTEM

PLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1,440	\$300	\$1,740	9/16/2008

EXAMINER	ART UNIT	CLASS - SUBCLASS
ERCEDES, DISMERY E	2627	360-065000

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1. Reed Smith LLP
2. Stanley P. Fisher, Esq.
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HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD. Kanagawa-ken, Japan

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(Date) **September 16, 2008**

by P. Fisher Reg. No.: 24,344

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